

Internal
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HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: West Ridge Resources, Inc/West Ridge Mine
Permit #: C/007/041

NOV # 10082
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The MRP of the West Ridge permit states that the permittee must visual inspect the mine discharge below the main office. The visual inspection must be documented. The permittee lost the record book (twice). After second lost book the operator stopped inspections.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: _____

- ☒ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: The permittee had two discharges of coal fines in the creek in the past and two violations were written. A part of the abatement of the second violation was to amend the MRP for visual inspect of the creek and document the inspection. Since, coal fines have occurred twice before it could of happen again. Coal fines could of happened when the inspection were stopped. It must be noted that other controls/monitoring were inplace since the last violation to reduce the likely hood of coal fines entering the creek.

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- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: It was a requirement in the MRP as of a result of coal fines entering the Creek.

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: This was a requirement of the MRP and no abatement was required. The permittee needed to follow the requirement of the MRP. Therefore no good faith should be given.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

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Stephen J Demczak
Authorized Representative

Stephen J Demczak
Signature

April 27, 2011
Date

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